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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,148

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Dietrich Klingler

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EXAMINER

KOSANOVIC, HELENA

ART UNIT

PAPER NUMBER

3749

MAIL DATE

DELIVERY MODE

08/03/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/567,148	<b>Applicant(s)</b> KLINGLER ET AL.	
	<b>Examiner</b> HELENA KOSANOVIC	<b>Art Unit</b> 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-7, 9, 14, 21-22 is/are rejected.
- 7) ☒ Claim(s) 8,10-13 and 15-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/15/10 has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 recites the limitation "the associated helical subduct" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "the air conditioning device" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 22 are rejected under 35 U.S.C. 103(a) as being obvious over JP 63043927.
2. JP 630439271 teaches:
3. Regarding claim 22, air vent (fig. 1) with an air conduction device and an air-supplying air duct in the air conduction device (8, 9, 11 Fig. 1), the air duct being divided into at least two essentially cylindrical subducts 19-23, (fig. 1) each having a centerline having a length and running from a first end of the subduct at the air duct to an outlet end of the subduct (fig. 1), the centerlines of the at least two essentially cylindrical subducts being mutually parallel over the entire lengths of the centerlines (fig. 1).

Regarding the claim limitation that the duct are substantially cylindrical, at the time the invention was made it would have been obvious matter of design choice to a person of ordinary skill in the art to have substantially cylindrical duct instead of not substantially cylindrical, because applicant has not disclosed that the substantially cylindrical ducts provides an advantage is used for particular purpose or solves a stated problem. One of ordinary skill in the art would have expected the Applicant's invention to perform equally well with substantially cylindrical or similar shape, because both shapes performs the function of transferring the air equally well (MPEP 2144.04 IV B)

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4. Claims 1-2, 4-6, 9, 14, 21 are rejected under 35 U.S.C. 103(a) as being obvious over JP 63043927 in view of Sodec 5,003,867.

JP 630439271 teaches:

Regarding claim 1, an air vent,(fig. 1) especially for a motor vehicle, with an air-supplying air duct 18 (FIG. 10) and with an air conduction device 7, 9 (FIG. 1), the air duct in the air conduction device being divided into at least two subducts 19-23 (FIG. 1), wherein the subducts are arranged parallel with respect to one another,

Regarding claim 2, wherein the air conduction device provides a division of the air supplied through the air duct into at least four air streams (fig. 1).

Regarding claim 9, wherein a device 17 (fig. 1) for setting the direction of the air stream is arranged after the air conduction device.

Regarding claim 14, wherein the air vent has a lamellar air conduction device (fig. 1).

Regarding claim 21, a ventilation system for a motor vehicle, characterized by an air vent as claimed in claim 1 (fig. 1).

JP 630439271 teaches the invention as discussed above but is silent about at least one further subduct is provided, arranged around at least one of the cylindrical subducts and are arranged concentrically one in the other

Sodec teaches:

Regarding claim 1 at least one further subduct (60, fig. 6) is provided, arranged around at least one of the cylindrical subducts 64 (fig. 6).

Regarding claim 4, the air conduction device has subducts arranged concentrically one in the other (fig. 6)

Regarding claim 5, the air condition device has at least one helical or longitudinally indrawn spiral sub duct (75, 60, fig. 6)

Regarding claim 6, the helical sub duct has at least one guide (75, fig. 6) which is arranged helically.

Regarding claim 7, the pitch of the helix decreases toward the outlet port (fig. 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the JP 630439271 duct with the Sodec two cylindrical ducts because the substitution of one known element for another would have yielded predictable results of transferring the air through the duct.

### ***Allowable Subject Matter***

Claims 8, 10-13, 15-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELENA KOSANOVIC whose telephone number is (571)272-9059. The examiner can normally be reached on 8:30-5:00, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Helena Kosanovic/  
Examiner, Art Unit 3749  
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/Steven B. McAllister/  
Supervisory Patent Examiner, Art Unit 3749